

Application No.: 10/612,631  
Amdt dated: December 18, 2006  
Reply to Office action of October 19, 2006

### **REMARKS/ARGUMENTS**

This amendment is in response to the Final Office action dated October 19, 2006. Claims 1-25 are canceled without prejudice, disclaimer and/or in view of the rejections. Claims 26-27 have been amended to correct clerical errors. New claims 30-47 have been added. Claims 26-47 are pending in this application.

In the action, claims 1-9, 22-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toso et al. (U.S. Patent No. 5,282,832), hereinafter "Toso", in view of Bonutti et al. (U.S. Publication No. 20050267534), hereinafter "Bonutti". On page 5 of the action, claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toso and Bonutti as applied to Claim 1 and further in view of Wenstrom, Jr. et al. (U.S. Patent No. 6,045,573), hereinafter "Wenstrom". On page 7 of the action, claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toso and Bonutti as applied to Claim 1 and further in view of Christensen (U.S. Patent No. 4,592,116). On page 7 of the action, Applicant acknowledges with appreciation that claims 26-29 are allowed over the prior art. Accordingly, to expedite allowance of the claims and not in view of the rejections to the claims, claims 1-13 and 22-25 are canceled without prejudice and/or disclaimer.

New claims 30-47 have been added. Claims 30-38 and 39-47 are identical to original claims 2-8 and 23-24 except claims 30-38 and 39-47 now depend directly or indirectly from allowed respective independent claims 26 and 29 and thus are believed to be readable on the elected species. Since claims 30-47 depend from allowed claims 26 and 29 and/or contain additional limitations that are patentably distinguishable over the references of record, claims 30-47 are believed to be patentable.

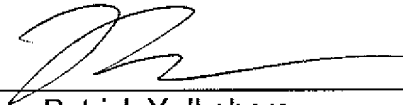
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In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, reconsideration of the application and allowance of claims 26-47 are respectfully requested. If the Examiner should have any remaining questions or objections, a telephone interview to discuss and resolve these issues is respectfully requested.

Sincerely

APPLIED MEDICAL RESOURCES

BY



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